

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ANDERSON/GREENWOOD DIVISION

RECEIVED
U.S. DISTRICT COURT
ANDERSON, SC
2010 JUL 20 A 8:10

William Howard Rutland, III,

Plaintiff,

v.

Sargent Sheets, B.C.S.O.,

Defendant.

Civil Action No. 8:09-1823-SB

ORDER

This matter is before the Court upon the pro se Plaintiff's complaint, filed pursuant to 42 U.S.C. § 1983. By local rule, the matter was referred to a United States Magistrate Judge for preliminary determinations.


On April 7, 2010, the Defendant filed a motion for summary judgment, and on April 8, 2010, the Magistrate Judge issued an order pursuant to Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975), advising the Plaintiff of the need to respond to the Defendant's motion. When the Plaintiff failed to respond, the Magistrate Judge issued a second order on May 17, 2010, giving the Plaintiff until June 8, 2010, to file his response to the Defendant's motion and specifically notifying him that the action would be dismissed for failure to prosecute if he failed to respond. When this notice was returned as "refused, unable to forward," the Clerk's Office called the Berkeley County Detention Center and learned that the Plaintiff was no longer incarcerated. The Clerk's Office re-mailed the notice to the Plaintiff at home and granted him until June 16, 2010, to file a response. Despite this notice, the Plaintiff did not respond. Therefore, on June 22, 2010, the Magistrate Judge issued a report and recommendation ("R&R"), recommending that the Court dismiss the

Plaintiff's complaint with prejudice pursuant to Federal Rule of Civil Procedure 41(b) for failure to prosecute and failure to comply with the Court's orders. Attached to the R&R was a notice advising the Plaintiff of his right to file written, specific objections to the R&R within fourteen days of the date of service of the report. To date, no objections have been filed.

Absent timely objection from a dissatisfied party, a district court is not required to review, under a de novo or any other standard, a Magistrate Judge's factual or legal conclusions. Thomas v. Arn, 474 U.S. 140, 150 (1985); Wells v. Shriner's Hosp., 109 F.3d 198, 201 (4th Cir. 1997). Here, because the Plaintiff did not file any specific, written objections, the Court need not conduct a de novo review of any portion of the R&R. Accordingly, the Court hereby adopts the Magistrate Judge's R&R as the order of this Court, and it is

ORDERED that the Plaintiff's complaint is dismissed with prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure for failure to prosecute and failure to comply with the Court's orders.

IT IS SO ORDERED.


The Honorable Sol Blatt, Jr.
Senior United States District Judge

July 19, 2010
Charleston, South Carolina